REMARKS AND ARGUMENTS

A. Summary of the Office Action

Claims 1-21, 23, and 25-31 are pending in the application.

All pending claims were rejected as being obvious under 35 U.S.C. § 103(a) in light of various combinations of Published U.S. Patent Application No. 2005/0096059 ("Jiang"), Published U.S. Patent Application No. 2004/0105436 ("Ament"), Published U.S. Patent Application No. 2004/0127176 (Rozhavsky), and U.S. Patent No. 6,606,502 ("Chung Kam Chung").

Claims 1, 14, 23, and 28 are independent.

B. Response to the Office Action

The rejection of all independent claims relies on the following contention:

Jiang et al. further teaches that based on the delay report, determining, at the said subscriber/user, whether to send the said electronic message.

Office Action (Nov. 29, 2007), p. 3. There is no teaching in Jiang of such a feature. Although the two previous Office Actions both relied on Jiang, neither of them alleged that Jiang taught such a feature, and neither the present Office Action nor its predecessors cite any paragraph or figure referring to any such disclosure in Jiang. The messages disclosed in Jiang are delay messages, and those delay messages are sent *to* the user. Of course, the user cannot decide whether to send such messages based on the delay, since the user does not even know what the delay is until *after* the message has already been sent to him.

The rejection of all independent claims further relies on the following contention:

Rozhvsky et al. discloses in paragraph [0039] the expected delay is less than a threshold delay.

Office Action (Nov. 29, 2007), p. 4. There is no teaching in Rozhvsky of such a feature. In particular, the "threshold" in paragraph [0039] of Rozhvsky is not a threshold delay. As this paragraph describes, "A determination is first made as to whether the ratio between the value of the total counter compared to the value of the idle counter is less than a lower threshold." The threshold of Rozhvsky relates to a ratio between two counters, and these counters do not measure a period of delay. As explained in Rozhvsky, the "total counter" counts a total number of "channel state symbols," (par. [0033]), while the "idle counter" counts the number of times a determination is made that "the channel status is idle," (par. [0034]). There is no disclosure in Rozhvsky of comparing an expected delay time to a threshold delay.

For the foregoing reasons, the prior art relied on does not disclose all features recited in the independent claims, and the Office Action therefore does not raise a *prima facie* case of obviousness against those claims. The dependent claims distinguish over the prior art for at least the reasons given for their respective independent claims. For these reasons and those recited in previous responses, the applicant respectfully requests further examination of the pending claims.

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